

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**THERMASTEEL SYSTEMS
SOUTHEAST, LLC, d/b/a
Thermagreen Steel Structures,
LLC, an Alabama limited
liability company,**

Plaintiff,

vs.

Case No.: 2:10-cv-01205-JEO

**THEODORE BAKER, an
individual, and THERMAGREEN
STEEL STRUCTURES, LLC, a
Delaware limited liability company,**

Defendants.

ORDER

In accordance with the Memorandum Opinion entered contemporaneously herewith, the court hereby ADOPTS and APPROVES the magistrate judge's Report and Recommendation. Consequently, the court ORDERS the following:

1. Defendants are ENJOINED from using the ThermaGreen mark, or a confusingly similar variant thereof, and from otherwise infringing plaintiff's rights to the ThermaGreen mark, including the right to sell and offer for sale products bearing the ThermaGreen mark.
2. Defendants are to deliver for destruction, within thirty (30) days of the

date of the court's order, all printed materials within their possession that contain the ThermaGreen mark or a confusingly similar variant thereof;

3. Within thirty (30) days of the date of the court's order, defendants must file with the court documentation listing the manner of their compliance with said order;
4. Within thirty (30) days of the date of the court's order, defendants must submit to an accounting of all profits acquired during Defendants' use of the ThermaGreen mark. The parties shall notify the court when said accounting has concluded.

Upon conclusion of the accounting, the court will order additional relief in the form of damages as the court considers appropriate. Should the court find that a hearing will be necessary to determine the nature and amount of such damages, the parties will be notified.

DONE and ORDERED this 27th day of September, 2011.


United States District Judge